

**CLAIM FOR SUPPLEMENTAL CLEARANCE CERTIFICATE  
FOR MANAGING GENERAL PARTNER****LOW INCOME HOUSING—MANAGING GENERAL PARTNER**

This form must be completed and filed with the Assessment Policy and Standards Division, Board of Equalization, PO Box 942879, Sacramento, California 94279-0064. (If you have any questions, you may contact the Exemption Section at 916-445-3524.)

This affidavit is required under the provisions of sections 214(g), 214.15, 251, and 254.6 of the Revenue and Taxation Code for those organizations where the nonprofit organization is the managing general partner of low income housing property.

This affidavit supplements the claim for an *Organizational Clearance Certificate for Welfare Exemption* (BOE-277) or *Periodic Filing for Organizational Clearance Certificate—Welfare and Veterans' Organization Exemption* (BOE-277-P) and must be filed with the Board.

As a prerequisite to the allowance of the welfare exemption, the nonprofit organization that is the managing general partner of the limited partnership must qualify for an *Organizational Clearance Certificate* (BOE-277-OC) from the Board of Equalization (see line 4). In addition, nonprofit organizations seeking exemption on low-income housing owned and operated by a limited partnership in which the organization is the managing general partner must qualify for a *Supplemental Clearance Certificate for Managing General Partner* (BOE-277-SCC) for each property location.

Please check one:

- ☐ Organization is filing supplemental claim with BOE-277, *Claim for Organizational Clearance Certificate—Welfare Exemption*. (The organization does not currently hold an *Organizational Clearance Certificate* or *Supplemental Clearance Certificate for Managing General Partner*.)
- ☐ Organization currently holds an *Organizational Clearance Certificate* (OCC), and Organization is filing supplemental claim in order to be issued a *Supplemental Clearance Certificate for Managing General Partner* (SCC) on this limited partnership property.
- ☐ Organization is filing supplemental claim with BOE-277-P, *Periodic Filing for Organizational Clearance Certificate—Welfare or Veterans' Organization Exemption*. (The organization has an OCC and an SCC has been issued on this property.) Board issued SCC No. is \_\_\_\_\_.

\_\_\_\_\_ states:  
(name of person making affidavit)

1. He/She is \_\_\_\_\_  
(title, such as president, etc.)

2. of the \_\_\_\_\_,  
(corporate or organization name – nonprofit managing general partner)

3. the corporate identification number of which is \_\_\_\_\_

4. the organization has an *Organizational Clearance Certificate* issued by the State Board of Equalization. ☐ Yes ☐ No

If yes, provide certificate no. \_\_\_\_\_. If no, please check applicable box below:

- ☐ An application for the BOE *Organizational Clearance Certificate* has been filed, but a certificate has not yet been issued, or
- ☐ An application for the BOE *Organizational Clearance Certificate* is attached.

5. which was admitted into the partnership as the managing general partner on \_\_\_\_\_,  
(give complete date)

6. the mailing address of which is \_\_\_\_\_,  
(give complete address including zip code)

7. the name of the limited partnership that owns and operates the property of which is \_\_\_\_\_

8. for the property located at \_\_\_\_\_,  
(give complete address including zip code)

9. acquired by the partnership on \_\_\_\_\_, (give complete date)

10. That he or she makes this affidavit on behalf of this organization in support of a claim for a *Supplemental Clearance Certificate for Managing General Partner* for the \_\_\_\_\_ - \_\_\_\_\_ fiscal year and certifies under penalty of perjury that the following conditions apply:

A. There is an enforceable and verifiable agreement with a public agency or a recorded deed restriction that restricts the project's usage and that provides that the units designated for use by lower-income households are continuously available to or occupied by lower-income households at rents that do not exceed those prescribed by section 50053 of the Health and Safety Code, or, to the extent that the terms of federal, state, or local financing or financial assistance conflicts with section 50053, rents do not exceed those prescribed by the terms of the financing or financial assistance. Please check the document that applies to this property:

- ☐ Enforceable and verifiable agreement with a public agency  
☐ Recorded deed restriction

B. The funds which would have been necessary to pay property taxes are used to maintain the affordability of, or reduce rents otherwise necessary for, the units occupied by lower-income households, and

C. At least one of the following criteria is applicable (check one):

- ☐ (1) The acquisition, rehabilitation, development, or operation of the property, or any combination of these factors, is financed with tax exempt mortgage revenue bonds or general obligation bonds, or is financed by local, state, or federal loans or grants and the rents of the occupants who are lower-income households do not exceed those prescribed by deed restrictions or regulatory agreements pursuant to the terms of the financing or financial assistance. [section 214(g)(1)(A)]
- ☐ (2) The owner of the property is eligible for and receives low-income housing tax credits according to section 42 of the Internal Revenue Code of 1986, as added by Public Law 99-514. [section 214(g)(1)(B)]

**If you have not previously filed a claim for a Supplemental Clearance Certificate for Managing General Partner on this property, please provide a copy of a regulatory agreement with a public agency, or a copy of a recorded deed restriction which verifies the receipt of federal tax credits or government financing, as specified, for the property location indicated above, with this claim.**

11. That he or she makes this affidavit on behalf of this organization in support of a claim for exemption for the \_\_\_\_\_ - \_\_\_\_\_ fiscal year and certifies that on the lien date, or as of the date the property was acquired if after the lien date, or as of the date that the nonprofit corporation was admitted into partnership as the managing general partner, of the fiscal year for which exemption is claimed (check either A or B below):

- A. ☐ (1) the limited partnership agreement provides for, and the organization as the managing general partner subject to the rights of the partners, has control over the business, assets, and affairs of the partnership, and manages the day-to-day operations of the partnership, and participates in major management decisions of the partnership;
- (2) the limited partnership agreement provides for and the organization as the managing general partner has two or more of the following specific partnership management duties: (i) execute and deliver all partnership documents on behalf of the partnership; (ii) acquire, hold, assign or dispose of property or any interest in property; (iii) borrow money on behalf of the partnership, encumber partnership assets, place title in the name of nominee to obtain financing; (iv) prepay in whole or in part, refinance, increase, modify or extend any obligation; (v) pay organizational expenses incurred in the creation of the partnership and all operational expenses; (vi) determine the amount and timing of distributions; (vii) function as the federal and state tax matters partner; (viii) monitor compliance with all government regulations and file or supervise the filing of all required documents with governmental entities; (ix) prepare and/or supervise preparation of all reports required by the lender; (x) prepare or cause to be prepared all reports to be provided to the partners; (xi) coordinate all present and future development, construction or rehabilitation of projects; (xii) maintain the partnership books and records; (xiii) maintain the partnership bank account; (xiv) prepare the annual partnership budget; (xv) obtain and maintain all required insurance coverage; (xvi) establish and maintain all required reserves; (xvii) enforce all contracts, including any agreements with property management firms; (xviii) employ at partnership expense all persons necessary for operation of the partnership business, including the property management agent, auditors, attorneys and other professionals rendering service to the partnership; and (xix) manage the property, rental of units, maintenance and repair; and
- (3) the limited partnership agreement, if it contains a delegation of authority clause, provides either that the managing general partner may not delegate any of its partnership management duties, or that the managing general partner may delegate certain of its powers, rights, and obligations to persons who, under its supervision, may perform such acts or services for the partnership as the managing general partner may approve, provided that such delegation does not excuse the managing general partner from overseeing and supervising on an ongoing basis the activities being delegated.

OR

- B. ☐ the limited partnership agreement does not provide for authority and management duties for the managing general partner and/or the managing general partner has no authority or management duties, as indicated in (1) and (2) above; and/or, on the lien date, or as of the date the property was acquired if after the lien date, or as of the date that the nonprofit corporation was admitted into partnership as the managing general partner, of the fiscal year for which exemption is claimed, the limited partnership agreement, if it contains a delegation of authority clause, does not provide limitations on the managing general partner's authority to delegate, as indicated in (3), above.

12. Provide the following information regarding the limited partnership:

- A. Nonprofit organizations filing a claim for the *Supplemental Clearance Certificate for Managing General Partner* for the first time shall submit a copy of Secretary of State form LP-1, Certificate of Limited Partnership, and, if applicable, Secretary of State form LP-2, *Amendment to Certificate of Limited Partnership*, with this claim.
- B. Limited partnerships that have already been issued a *Supplemental Clearance Certificate for Managing General Partner*, for the property location indicted on the front page of this form, and are filing this affidavit with a periodic claim form (BOE-277-P, *Periodic Filing for Organizational Clearance Certificate—Welfare or Veterans' Organization Exemption*), shall submit Secretary of State form LP-2, *Amendment to Certificate of Limited Partnership*, if the certificate of limited partnership has been amended since the last filing of this claim, with this claim.
- C. List any substitutions in the General Partners since the last filing, or if no changes, state "none."

---



---



---




---

**CERTIFICATION**

---

*I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing and all information hereon, including any accompanying statements or documents, is true, correct, and complete to the best of my knowledge and belief.*

SIGNATURE OF PERSON MAKING AFFIDAVIT 	DAYTIME PHONE NUMBER (     )	E-MAIL ADDRESS	DATE
---	---------------------------------	----------------	------

**THIS AFFIDAVIT IS A PUBLIC RECORD AND IS SUBJECT TO PUBLIC INSPECTION**

*Welfare Exemption claims and supporting documents are subject to audit by the Board of Equalization and by the Assessor.*